



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

ELP  
Docket No. 5442-00  
15 December 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 23 June 1965 for a minority enlistment. The record reflects that you were advanced to SA (E-2) and served for ten months without incident. However, during the 15-month period from April 1966 to July 1967 you received three nonjudicial punishments (NJP) and were convicted by a summary court-martial and a special court-martial. Your offenses consisted of four periods of unauthorized absence, two for less than three hours and two totalling 63 days; and wrongful appropriation of two pounds of coffee and a can of insect spray.

On 14 August 1967 you were notified that administrative discharge action was being initiated by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. You were advised of your procedural rights and waived your right to be represented by counsel and to present your case to an administrative discharge board (ADB). Thereafter, the commanding officer recommended an undesirable discharge by reason of

unfitness. On 7 September 1967 an enlisted performance evaluation board in the Bureau of Naval Personnel recommended an undesirable discharge by reason of unfitness. The Chief of Naval Personnel approved the recommendation and you received the undesirable discharge on 6 October 1967.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, good post-service conduct, and the fact that it has been more than 33 years since you were discharged. The Board noted your contentions that you went UA because you were homesick and again when your mother was sick and you could not get emergency leave. The Board concluded that the foregoing factors and contentions were insufficient to warrant recharacterization of your discharge given your record of three NJPs and convictions by a summary court-martial and a special court-martial. The Board noted the aggravating factor that you waived an ADB, the one opportunity you had to show why you should be retained or discharged under honorable conditions. The Board concluded that you were guilty of too much misconduct in 29 months of service to warrant recharacterization to honorable or under honorable conditions. The Board thus concluded that the discharge was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director